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Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

NGUYEN, KHAI MINH

ART UNIT PAPER NUMBER

2687

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,932

Applicant(s)

HU, TECK

Examiner

Khai M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6 and 14-24 is/are rejected.
- 7) ☒ Claim(s) 5 and 7-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/29/03, 2/17/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on September 29, 2003 and February 17, 2005 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah et al. (U.S.Pub-20040184471).

Regarding claim 1, Chuah teaches a method of wireless communication with a number of subscribers to a subscription-based service (fig.1-3, paragraph 0029-0030), the method comprising:

assigning at least one service rate to at least one of a number of subscription-based service types in response to at least one of channel conditions (paragraph 0007,

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0026), power requirements, service subscription type, desired content, other services and equipment class of each subscriber (fig.3, paragraph 0029-0030).

Regarding claim 15, Chuah teaches a method of wireless communication comprising:

receiving a subscription-based service at an assigned service rate (fig.1-3, paragraph 0007, 0026, 0029-0030), the assigned service rate corresponding with at least one of service subscription type, desired content, channel conditions, power requirements, other services and equipment class (fig.3, paragraph 0029-0030).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6, 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah et al. (U.S.Pub-20040184471) in view of Koulakiotis et al. (U.S.Pub-20030104801).

Regarding claim 2, Chuah teaches the method of claim 1, wherein the subscription-based service comprises at least a multicast service (fig.3, abstract, paragraph 0029-0030),

Chuah fails to specifically disclose the at least one service rate comprises at least one multicast rate, and each of the subscription-based service type comprises at least a multicast service subscription type. However, Koulakiotis teaches the at least one service rate comprises at least one multicast rate (paragraph 0008, 0015-0016), and each of the subscription-based service type comprises at least a multicast service subscription type (paragraph 0006, 0068). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the at least one service rate comprises at least one multicast rate, and each of the subscription-based service type comprises at least a multicast service subscription type as taught by Koulakiotis with Chuah teaching in order to providing a service to a user comprising the steps of defining an area in which the service is available.

Regarding claim 3, Koulakiotis and Chuah further teaches the method of claim 2, wherein the multicast service subscription type comprises at least one of a basic type and a premium type (see Chuah, fig.4, paragraph 0031-0032, see Koulakiotis, paragraph 0006).

Regarding claim 4, Koulakiotis and Chuah further teaches the method of claim 3, wherein the least one multicast rate is assigned to each multicast service multicast service subscription type in further response to determining a geographical distribution of the number of multicast service subscribers (see Chauh, fig.3, paragraph 0007, 0029-0030) and determining a subscription distribution of the number of multicast service subscribers (see Chauh, paragraph 0007, 0029-0030, see Koulakiotis, paragraph 0006, 0068).

Regarding claim 6, Koulakiotis and Chuah further teaches the method of claim 4, comprising: multicasting information to each of the multicast service subscribers at each multicast service subscription type's assigned multicast rate (see Chauh, paragraph 0007, 0029-0030, see Koulakiotis, paragraph 0006, 0068).

Regarding claim 14, Koulakiotis and Chuah further teaches the method of claim 2, wherein the other services comprises at least one of voice, HSDPA and HSUPA (see Chauh, paragraph 0007, 0025).

Regarding claim 16, Chuah teaches the method of claim 15,

Chuah fails to specifically disclose the subscription-based service comprises at least a multicast service, the at least one service rate comprises at least one multicast

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rate, and the service subscription type comprises at least a multicast service subscription type. However, Koulakiotis teaches the subscription-based service comprises at least a multicast service (paragraph 0006), the at least one service rate comprises at least one multicast rate (paragraph 0008, 0015-0016), and the service subscription type comprises at least a multicast service subscription type (paragraph 0006, 0068). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the subscription-based service comprises at least a multicast service, the at least one service rate comprises at least one multicast rate, and the service subscription type comprises at least a multicast service subscription type as taught by Koulakiotis with Chuah teaching in order to providing a service to a user comprising the steps of defining an area in which the service is available.

Regarding claim 17, Koulakiotis and Chuah further teaches the method of claim 16, wherein the assigned multicast rate further corresponds with at least one of a geographical distribution of a number of multicast service subscribers (see Koulakiotis, paragraph 0006, 0032) and a subscription distribution of the number of multicast service subscribers within a cell (see Chauh, fig.3, paragraph 0007, 0029).

Regarding claim 18, Koulakiotis and Chuah further teaches the method of claim 16, wherein the multicast service subscription type comprises at least one of a basic

type and a premium type (see Chuah, fig.4, paragraph 0031-0032, see Koulakiotis, paragraph 0006).

Regarding claim 19, Koulakiotis and Chuah further teaches the method of claim 16, comprising: prioritizing the other services and the multicast service subscription service (see Koulakiotis, fig.3, paragraph 0007, 0029-0030).

Regarding claim 20, Koulakiotis and Chuah further teaches the method of claim 19, comprising: scaling the multicast service subscription types available for assigning in response to a change in demand for the other services (see Chaul, paragraph 0007, 0026, see Koulakiotis, paragraph 0006, 0068).

Regarding claim 21, Koulakiotis and Chuah further teaches the method of claim 20, wherein the step of scaling comprises at least one of dropping and adding support for at least one of the multicast service subscription types (see Chauh, paragraph 0031-0032, see Koulakiotis, paragraph 0030-0032).

Regarding claim 22, Koulakiotis and Chuah further teaches the method of claim 21, wherein the demand corresponds with at least one of power, channelization codes, and subscription fees (see Chuah, paragraph 0007, 0029-0030).

Regarding claim 23, Koulakiotis and Chuah further teaches the method of claim 19, wherein the other services comprises at least one of voice, HSDPA and HSUPA (see Chuah, paragraph 0007, 0025).

Regarding claim 24, Koulakiotis and Chuah further teaches the method of claim 16, wherein the equipment class corresponds with at least one supporting channelization code (see Chuah, fig.3, paragraph 0007, 0026, 0029-0030).

Allowable Subject Matter

3. Claims 5, 7-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Paratainen et al. (U.S.Pub-20030174645) discloses Wireless telecommunications system using multislot channel allocation for multimedia broadcast/multicast service.

Kim et al. (U.S.Pub-20040131026) discloses Method for determining a transmission scheme for an MBMS service in a mobile communication system.

Sarkkinen et al. (U.S.Pat-6684081) discloses Method and system for separating control information and user data from multicast and broadcast service.

Sinnarajah et al. (U.S.Pub-20040131075) discloses Method and system for a multicast service initiation in a communication system.

Wang et al. (U.S.Pub-20050075107) discloses method and apparatus for broadcast application in a wireless communication system.

Chuberre et al. (U.S.Pub-20050085182) discloses Radio communication terminal broadcasting ET reception method and broadcasting system.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

7/12/2005


7/12/05
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